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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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10 DAMON BENTLEY FRANKLIN,

No. 2:23-CV-1140-DMC-P

11 Plaintiff,

12 v.

ORDER SETTING SETTLEMENT
CONFERENCE

13 E. WEBB,

14 Defendant.

15
16 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42
17 U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference.
18 Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a video
19 settlement conference, via the Zoom videoconferencing application, on March 7, 2024, at 9:00
20 a.m. The court will issue any necessary transportation order in due course.

21 Counsel for Defendants shall contact Courtroom Deputy Jan Nguyen at (559) 499-5672 or
22 jnguyen@caed.uscourts.gov for the video and dial-in information, including any necessary
23 passcodes, for all parties. Counsel for Defendants is also required to arrange for Plaintiff's
24 participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed
25 and providing the necessary Zoom contact information.

26 The Court expects that the parties will proceed with the settlement conference in good
27 faith and attempt to resolve all or part of the case. If any party believes that the settlement

1 conference will not be productive, that party shall so inform the court as far in advance of the
2 settlement conference as possible.

3 The parties shall each submit to Judge Boone a confidential settlement conference
4 statement, as described below, to arrive at least seven days (one week) prior to the conference.

5 The Court puts the parties on notice that if Plaintiff has any outstanding criminal
6 restitution obligation, fines and/or penalties, these settlement negotiations shall not be geared
7 towards what the restitution obligation is, but what the value of the case itself is to each side,
8 irrespective of any outstanding restitution obligation.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. The case is set for a video settlement conference, via the Zoom videoconferencing
11 application, before Magistrate Judge Stanley A. Boone on **March 7, 2024, at 9:00**
12 **a.m.**
- 13 2. A representative with full and unlimited authority to negotiate and enter into a binding
14 settlement shall attend via the Zoom videoconferencing application.
- 15 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
16 The failure or refusal of any counsel, party or authorized person subject to this order to
17 appear in person may result in the cancellation of the conference and the imposition of
18 sanctions. The manner and timing of Plaintiff's transportation to and from the
19 conference is within the discretion of CDCR.
- 20 4. Defendants shall provide a confidential settlement statement to the following email
21 address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential
22 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California
23 93721, "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be
24 marked "Confidential Settlement Statement." Settlement statements shall arrive no
25 later than **February 29, 2024**. Parties shall also file a Notice of Submission of
26 Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements
27 **should not be filed** with the Clerk of the Court **nor served on any other party**.

Settlement statements shall be clearly marked “Confidential” with the date and time of the settlement conference indicated prominently thereon.

5. The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:
 - a. A brief statement of the facts of the case.
 - b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
 - c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
 - d. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
 - e. A brief statement of each party’s expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
 - f. If parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.
6. If a settlement is reached at any point during this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.
7. **Defense counsel shall contact the Litigation Coordinator at the institution where Plaintiff is housed to determine whether the institution can accommodate a Zoom video appearance by Plaintiff at this date and time.**
8. The parties remain obligated to keep the Court informed of their current address at all times while the action is pending. Any change of address must be reported promptly to the Court in a separate document captioned for this case and entitled “Notice of Change of Address.” See Local Rule 182(f).

1 **9. A failure to follow these procedures may result in the imposition of sanctions by**
2 **the court.**

- 3 10. Judge Boone or another representative from the court will be contacting the parties
4 either by telephone or in person, approximately two weeks prior to the settlement
5 conference, to ascertain each party's expectations of the settlement conference.
6 11. The Clerk of the Court is directed to serve a copy of this order via fax on the
7 Litigation Office at the California Health Care Facility at (209) 467-2676 or via email.

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9 Dated: January 23, 2024



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11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE
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